

THE
CHARTER, ORDINANCES
AND
BY - L A W S
OF
THE UNIVERSITY OF THE CITY OF NEW YORK.

- 1849.

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THE
ACT OF INCORPORATION,
WITH
THE ORDINANCES AND BY-LAWS
OF
The University of the City of New York,

1849.

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ACT OF INCORPORATION.

A N A C T

INCORPORATING THE UNIVERSITY OF THE CITY OF NEW YORK,

Passed April 18, 1831.

The People of the State of New York, represented in Senate and Assembly : Do enact as follows :

§ I. THE subscribers and shareholders of "*The University of New York*," are hereby incorporated for the purpose of promoting Literature and Science : The corporation shall be known by the name of "*The University of the City of New York*," and by that name shall have perpetual succession, power to sue and be sued ; to make and use a common seal, and alter the same at pleasure ; to hold property, real and personal ; to contract and be contracted with, and to buy and sell, and otherwise dispose of lands and chattels : But the University shall not own real estate at one time, yielding an annual income exceeding Twenty Thousand Dollars.

§ II. The government and estate of the University shall be conducted and managed by a Council, composed of thirty-two shareholders, and the Mayor and four members of the Common Council of the City of New York, for the time being : The location of the University shall be in the City of New York.

§ III. The members of the Council (except the Mayor,) shall be elected by the shareholders: *No one religious sect* shall ever have a majority of the Board: The Council may fill its own vacancies occurring previous to an annual election.

§ IV. One-fourth of the members elected by the shareholders, shall go out of office annually, when an election shall be held by the shareholders to supply their places, and all other vacancies occurring the preceding year. Members going out of office, shall be re-eligible. In case the shareholders shall neglect to make such annual election, the Council may supply all vacancies remaining in the Board, and the persons so appointed, shall hold their offices as if chosen by the shareholders.

§ V. Shareholders to the amount of One Hundred Dollars in their own right, or as proxy for other shareholders, shall be entitled to one vote for each one hundred dollars so held by them.

§ VI. The University may continue to receive subscriptions to its funds; and future subscribers shall have all the rights and privileges of those subscribing previous to this act of incorporation.

§ VII. Eleven members shall be a quorum for the transaction of business, but no real estate shall be conveyed, nor appointments to office made, (except to supply vacancies in the Council,) other than by an affirmative vote of seventeen members.

§ VIII. Persons of every religious denomination shall be equally eligible to all offices and appointments.

§ IX. The University may grant to students under its charge, diplomas or honorary testimonials, in such form as it may designate. It may also confer such literary honors, degrees and diplomas, as are usually granted by any University, College or Seminary of learning in the United States.

§ X. Diplomas granted by the University, shall entitle the possessors to the immunities and privileges allowed by usage or statute, to the possessors of like diplomas from any College or Seminary of learning in the State.

§ XI. No diploma shall be conferred by the University, but in conformity with the laws of the State in force at the time of conferring the same.

§ XII. This University shall be subject to the visitation of the Regents of the University of this State, in the same manner, and to the same extent, as the various Colleges in this State.

§ XIII. The Council shall have power to appoint its own officers, and all the officers of the University, to establish ordinances and by-laws, not contravening the Laws or Constitution of this State or of the United States; and to expel any of its members for a violation thereof.

§ XIV. The members of the Council of the University elected by the shareholders, at the last annual election, namely :—Jonathan M. Wainwright, James M. Mathews, Spencer H. Cone, James Milnor, Samuel H. Cox, Jacob Brodhead, Cyrus Mason, Archibald Maclay, Morgan Lewis, Albert Gallatin, Samuel R. Betts, James Tallmadge, Henry I. Wyckoff, George Griswold, Myndert Van Schaick, Stephen Whitney, John Haggerty, Martin E. Thompson, James Lenox, Benjamin L. Swan, John S. Crary, Samuel Ward, Junior, William Cooper, Fanning C. Tucker, Oliver M. Lownds, Valentine Mott, Edward Delafield, William W. Woolsey, Charles G. Troup, Gabriel P. Disosway, Charles Starr, and John Delafield, with William Seaman, Gideon Lee, Benjamin M. Brown, and Thomas Jeremiah, members of the Common Council of the City of New York, together with the Mayor of the said city, shall compose the first Council under this incorporation. They shall allot themselves into four equal classes, one of which shall go out office at each succeeding annual election.

§ XV. The Legislature may at any time alter, repeal, or modify this Act.

STATE OF NEW YORK, }
SECRETARY'S OFFICE. }

I certify the preceding to be a true copy of an original Act of the Legislature, approved by the Governor, and on file in this office.

ARCHD. CAMPBELL,
Deputy Secretary.

ALBANY, APRIL 21, 1831.

A M E N D M E N T
TO
THE ACT OF INCORPORATION.

A N A C T

To amend "An Act incorporating the University of the City of New York," passed April 18, 1831.

Passed April 7, 1849.

THE People of the State of New York, represented in Senate and Assembly, do enact as follows :

§ I. The seventh section of the act entitled "An Act incorporating the University of the City of New York," passed April 18, 1831, is hereby so amended as to read as follows :

§ VII. Eleven members shall be a quorum for the transaction of business ; but no real estate shall be conveyed, nor appointments to office made, (except to supply vacancies in the Council,) unless there be present and voting, at least seventeen members, and

a concurrence of not less than eleven of them, being a majority of those present, in favor of the conveyance, or appointment in question.

§ II. This Act shall take effect immediately.

STATE OF NEW YORK, }
SECRETARY'S OFFICE. }

I have compared the preceding with an original law on file in this office, and do certify that the same is a correct transcript therefrom, and of the whole of said original.

ARCHD. CAMPBELL,

Dep. Sec. of State.

ALBANY, APRIL 17, 1849.

ORDINANCES AND BY-LAWS.

By virtue, and in pursuance of the Power, granted to the Council for that purpose, in and by the act of incorporation of The University of the City of New York, the Council do ordain and establish the following Ordinances and By-Laws :

CHAPTER I.

OF THE SHAREHOLDERS.

§ 1. The Capital Fund of the University, shall be divided into shares of twenty-five dollars each ; which shares shall be transferable by the shareholder or his attorney, on the books of the University.

§ 2. Shareholders shall have free access to the Library and collections of the University.

§ 3. Shareholders shall have the privilege of sending to the University, one or more students, with the right to a deduction from the amount of the fees of

tuition of three per cent. per annum, on the par value of the shares held in their own right, respectively. They shall not, except in the cases of free scholarship hereafter specially provided for, be permitted to unite shares held by different persons, in favor of the same student.

§ 4. There shall be an annual meeting of the shareholders, in the city of New York, on the first Monday of November. The hour and place of meeting shall be designated by the Council of the University, and public notice thereof shall be given in not less than two of the daily newspapers of the city, for at least four days previously to the meeting. At this meeting all vacancies in the Council of the University shall be filled by ballot. The election shall be held under the inspection of three shareholders, to be appointed by the Council.

§ 5. A list of the shareholders and of the number of shares actually paid for, and held by each respectively on the last Monday of October, shall be prepared annually by the Secretary of the Council, and lodged with the inspectors.

§ 6. A meeting of the shareholders may be called at any time, upon the recommendation of the Council.

§ 7. At all meetings of the shareholders, the President or Vice President of the Council for the time being, shall preside ; or in case of their absence, a chairman may be appointed by a vote of the shareholders present.

CHAPTER II.

OF FREE SCHOLARSHIPS AND PROFESSORSHIPS.

§ 1. A Free Scholarship confers the right to have one student at a time educated at the University, during the continuance of such scholarship, free from all charges of tuition.

Each shareholder to the amount of one thousand dollars, may found and name a free scholarship during the time of his natural life, or until he transfers the shares so held by him ; and in case of his death, or the transfer of his shares, his representatives or assigns, shall be entitled to the privilege of ordinary shareholders. Each shareholder to the amount of one thousand five hundred dollars, may found a free scholarship in perpetuity ; but no shareholder, who shall become such after these Ordinances and By-Laws shall go into effect, shall be entitled to more than one free scholarship ; and to entitle such shareholder to found and name such free scholarship, either for life or in perpetuity, he shall declare his intention of doing so at the time of his contributing or subscribing to the Capital Fund of the University.

§ 2. In cases where contributors to the University desire to subscribe for scholarships and to make payments thereon in specified annual instalments, such privilege shall be granted to them ; with the understanding, that until the whole amount shall be paid, such contributors shall be entitled to the privileges of shareholders only to the amount actually paid in.

§ 3. Any number of present or future contributors

may unite to create a free scholarship in perpetuity, on behalf of any Benevolent or Religious Society, to be held in the name of such Society.

§ 4. Each subscriber, or any number of subscribers, to the amount of ten thousand dollars or more, shall have the privilege of founding and naming a Professorship, subject, however, to the approbation of the government of the University ; and of nominating, by themselves or their representatives, from time to time, during the term of twenty-one years, the Professor thereto, he being subject to approbation and removal as in other cases ; and the interest or income of the sum subscribed, shall be appropriated to the salary of the Professor.

§ 5. Any number of present or future contributors, may unite to endow a Professorship, to be held in the name of any Benevolent or Religious Society.

§ 6. It being the design of the University, to leave the theological education of candidates for the ministry of the gospel, to their own respective Denominations, no Faculty of Theology shall be established ; but recognizing the paramount importance of a careful acquaintance with the Holy Scriptures, for the present and future welfare of man ; instruction shall be regularly given in the Evidences of Revealed Religion, in the Literature and Antiquities of the Bible, and in its Contents as the inspired rule of human duty. The reading of the Scriptures and prayer, as is customary in other Literary Institutions of this country, shall also be a part of the daily exercises of the University.

CHAPTER III.

OF THE COUNCIL.

§ 1. The Council shall hold one stated meeting every two months ; the time and place to be fixed annually at their first meeting after the annual meeting of the shareholders, and not to be changed except by a vote of the Council. They may adjourn from day to day, and extra meetings may be called by the President at his discretion, or at the request, in writing, of any three members of the Council ; due notice of such extra meetings being given.

§ 2. Whenever a vacancy shall occur in the Council, or any of its officers, it shall be supplied by ballot at the next stated meeting, unless postponed by a vote of the Council.

§ 3. The seat of a member may be declared vacant, who shall neglect attending the meetings of the Council for a period of six months.

§ 4. The officers of the Council shall be a President, a Vice President, a Secretary and Treasurer, who shall be appointed by ballot from the members at the first stated meeting after the annual meeting of the shareholders. They shall hold their offices respectively for one year, and until successors shall be appointed, unless earlier removed by the Council.

§ 5. Whenever the appointment of any officer or officers shall not be made at the time provided, it may take place at any subsequent meeting, notice of

the intended appointment having been previously given.

§ 6. The President shall preside at all meetings of the Council; shall preserve order, and decide all questions of order, subject, however, to an appeal to the Council.

§ 7. The Vice President, in the absence of the President, shall for the time being, be invested with the powers, and discharge the duties, of President.

§ 8. In the absence of both the President and Vice President, a Chairman *pro tem.* may be appointed, who shall possess the powers, and perform the duties, of President.

§ 9. The Secretary shall have the custody of the seal, charter, and by-laws of the University, and the records of the Council. He shall, under the direction of the President, give due notice of the time and place of all meetings of the Council, and attend the same. He shall keep fair and accurate records of the proceedings of the Council, and shall give notice to the several officers and committees of all votes, orders, resolves, and proceedings of the Council affecting them, or appertaining to their respective duties.

§ 10. The Treasurer shall have the custody of all contracts and securities of the University. It shall be his duty to receive all rents, revenues, fees of tuition, and every species of income due, or belong-

ing to the University ; and to disburse the same under the warrant, or order in writing, of the Committee on Finance ; to keep a shareholder's book, and an accurate list of the free scholarships ; and to make, once a year in October, and oftener if required, a written report to the Council, with a detailed statement of his cash account, and of all the funds of every description in his hands.

The Treasurer shall be removable at the pleasure of the Council.

§ 11. There shall be appointed annually, at the first meeting of the Council after the annual meeting of the shareholders, the following standing committees :

A Committee on Finance, and

A Committee on the Library.

The members of these several committees shall hold their offices respectively for one year, and until others shall be appointed in their places, unless earlier removed by the Council. All vacancies in the standing committees shall be filled at the first meeting of the Council after such vacancies occur.

§ 12. The Committee on Finance shall have charge of the finances of the University. They shall devise ways and means for improving its funds ; shall direct the action of the Treasurer ; and shall authorize, by warrant, or order in writing, all disbursements to be made by the Treasurer. It shall be their duty to make reports to the Council on the condition of the finances ; and annually soon after the commencement of the University year, to make an exhibit of the current revenue and expenses of the year pre-

ceding, specifying the amount of said revenue not collected, and the amount still due for current expenses ; with an estimate of the current revenue and expenses for the year commenced ; and a complete statement of the resources and liabilities of the University.

They shall also be charged with the general superintendence of the University building ; and shall direct the manner in which every part of it shall be used so as to accomplish the objects of the University, and make the building most productive of income. They shall incur no expense for repairs or alterations, except for such as are necessary to preserve the building, or produce an increase of revenue ; and even in such case the expense shall not exceed three hundred dollars without an order of the Council for that purpose. They shall report to the Council annually, by programme of each story of the building, the manner in which each part is used, and the rents produced.

§ 13. The Committee on the Library shall devise and execute, in co-operation with the Chancellor and Faculties, plans for the enlargement and improvement of the Library. They shall direct the action of the Librarian, and the application of all moneys raised for the purposes of the Library. They shall report annually to the Council, at its meeting next preceding the annual meeting of the shareholders.

§ 14. All committees, unless otherwise specially ordered by the Council, shall consist of three members each, and be appointed by the presiding officer.

§ 15. At all meetings of the Council, unless otherwise specially ordered, the following shall be the order of proceedings :

1. Prayer ;
2. Reading and approving of the Minutes ;
3. Reports and communications from officers of the Council, and of the University ;
4. Reports of standing committees ;
5. Reports of special committees ;
6. Unfinished business and special orders ;
7. Miscellaneous business.

CHAPTER IV.

OF THE CHANCELLOR.

§ 1. There shall be a Chancellor appointed by the Council, by ballot, at a meeting specially notified for the purpose. He shall derive all his authority from the Council, and shall be considered as their executive officer. He shall hold his office for four years, and until a successor shall be appointed. He shall be liable to removal by a vote of a majority of all the members of the Council ; but of such a motion previous notice shall be given at a meeting of the Council, at least one month before it is finally acted upon.

§ 2. It shall be the duty of the Chancellor to superintend, generally, all the interests of the University ; to report upon its condition, whenever called upon by the Council ; and annually, by a written report, to be laid before the Council at the meeting

next preceding the annual meeting of the shareholders.

§ 3. He shall preside at Commencements, and public exhibitions of the University ; shall sign Diplomas and testimonials, and confer such degrees and honors as are voted by the Council. He may hold any Professorship, to which he shall be appointed.

§ 4. He shall be notified of all meetings of the Council ; may be present at them, and may give his opinion upon any subject under discussion. It shall be his duty to attend the meetings of the Council when requested, to advise with them upon the state of the University, and to communicate any information in his possession that may be required ; but he shall not be entitled to a vote, unless he shall have been duly elected a member of Council.

§ 5. He shall be notified of all meetings of the Professors of any of the Faculties, and may be present and express his opinion, and give his vote. He may also summon a meeting of the Professors whenever the interests of the University may require. Whenever a meeting of all the Professors of the University shall be required, the Chancellor shall preside.

CHAPTER V.

OF VISITERS.

§ 1. Two or more Visitors shall, at the first meeting of the Council after the annual meeting of the

shareholders, be appointed annually by ballot, who, together with the Chancellor, shall form a Board of Visitors.

§ 2. They shall have authority, and it shall be their duty to visit the various departments of the University, and occasionally to attend the various courses of lectures and instruction, and from time to time make report to the Council.

§ 3. The Visitors may also be present and express their opinions, at any meeting of the Professors which shall be summoned by the Chancellor.

CHAPTER VI.

OF THE DEPARTMENTS OF THE UNIVERSITY.

§ 1. There shall be two General Departments in the University. The first shall comprise Professorships and Faculties for instruction in the higher branches of literature and science ; which may be increased according to the progress of discovery, the wants of the community, and the financial means of the University. The Second shall embrace what is usually deemed a full course of Classical, Philosophical and Mathematical instruction, and also a complete course of English Literature, of Mathematics, and Sciences with their application to agriculture, to the Arts, and generally to the ordinary purposes of life.

§ 2. Professors in the first department of the University shall be considered as appointed to the kindred

branches of instruction in the second department; in order that all the students of the Institution may be benefitted by its ablest instructors; and in both departments Assistant Professors shall be appointed, as the number of the students and the wants of the Institution may require.

CHAPTER VII.

OF THE COURSE OF INSTRUCTION.

§ 1. In the First General Department of the University, the system of instruction shall be conducted by public lectures delivered by the respective Professors, and by private examinations upon these lectures, and the subjects generally of which they treat.

§ 2. In this department of the University there shall be, 1st. *Attending Members*, who shall be subjected only to such general regulations as may be necessary to secure the payment of fees, and good order within the precincts of the University. 2d. *Matriculated Members*, who may be candidates for honors, and who shall be subjected to examinations, and to the discipline of the Institution.

§ 3. In the Second General Department of the University, the course of instruction shall be by lectures, examinations, recitations, compositions and public speaking.

§ 4. The Council shall from time to time, designate the branches that shall be taught, and prescribe gen-

eral rules respecting the government, the terms of admission, and the several courses of instruction in both departments ; but the immediate superintendence, and all the details of instruction and discipline shall be under the control of the Chance'lor and Faculties respectively.

§ 5. Every student shall be considered as having an unlimited choice of the branches taught, according to his own preference, or that of his parent or guardian ; subject, however, to the rules that may be prescribed by the Council, and also to the approbation of the Chancellor and Professors, as to the number and variety of the branches which he may pursue at the same time.

§ 6. On admission, the students shall be arranged in classes, having reference to the branches to be taught. In these different classes the students shall be distributed into sections, at such periods as may hereafter be designated, for the purpose of instruction according to their respective advancement in knowledge.

§ 7. When students shall have completed what is usually deemed a full Classical, Philosophical and Mathematical course, diplomas may be awarded to them, certifying the same ; and when diplomas or other honorary testimonials are given to students, they shall certify the branches of study pursued, and the time thereto devoted.

CHAPTER VIII.

OF PROFESSORS AND LECTURERS.

§ 1. Professors and Assistant Professors in the University, shall be appointed by the Council, subject to removal by the same authority. They may be nominated at one meeting, and elected at a subsequent one, notice of such election having been previously given. They shall be removed only by a concurrent vote of not less than eleven members, being a majority of those present at a meeting of the Council appointed for this express purpose, of which due notice shall be given, and at which there shall be present and voting, at least seventeen members.

§ 2. Their emoluments shall arise from salaries to be paid from the treasury, and from fees derived from those who attend their courses of instruction. The amount of each shall be fixed by the Council.

§ 3. As the means of the University may permit, and the public good require, Professors shall be appointed in the following branches :

The Evidences of Revealed Religion and Christian Ethics.

Intellectual and Moral Philosophy.

Philosophy of Education, and the instruction of Teachers, with special reference to teachers of common schools.

Learned Languages, Antiquities, and Classical Learning.

English Language and Literature.

Modern Languages.

Geography and Statistics.

History.

Political Economy.

Mathematics.

Physico Mathematical Sciences.

Natural History, and Natural and Experimental
Philosophy.

The application of Mechanics, Chemistry, and
other sciences, to Agriculture, the Arts, and the vari-
ous pursuits of life.

Jurisprudence and Legislation.

Medicine and Surgery.

The Fine Arts.

§ 4. The Professors shall be divided into Faculties,
which shall consist of,

A Faculty of Letters ;

A Faculty of Science and the Arts ;

A Faculty of Law ; and

A Faculty of Medicine ; to be established as the
circumstances of the University may require.

§ 5. Whenever, in the judgment of the Council,
the interests of the University would be thereby pro-
moted, the Council may, on such terms as they shall
deem proper, appoint distinguished individuals to de-
liver Lectures on any branch of knowledge, without
limitation in regard to the established Professor-
ships.

CHAPTER IX.

MISCELLANEOUS.

§ 1. No alteration in the Ordinances and By-Laws of the University shall be made, unless openly proposed in writing, at a meeting of the Council; entered on the minutes with the name of the member proposing the same; and adopted at a subsequent meeting of the Council by the vote of a majority of the members present, notice having been previously given that the proposed alteration would be acted on at that meeting.

§ 2. The foregoing are ordained, established, and declared to be the Ordinances and By-Laws of the University of the city of New York, to take effect on and after the 1st day of March, A. D. 1849; from which date all Ordinances, By-Laws, or Statutes of the University, except the foregoing, which are now, or heretofore have been in force, are repealed.



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